

EQUAL EMPLOYMENT	)	CIVIL ACTION NO. 3:07cv00064
OPPORTUNITY COMMISSION,	)	
	)	
Plaintiff,	)	
	)	<u>COMPLAINT</u>
v.	)	
	)	
THE GOODYEAR TIRE & RUBBER	)	<u>JURY TRIAL DEMAND</u>
COMPANY d/b/a GOODYEAR	)	
WHOLESALE TIRE CENTER,	)	
	)	
Defendant.	)	
	)	

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of race and to provide appropriate relief to Jule Benson who was adversely affected by the practices. The U.S. Equal Employment Opportunity Commission (the “Commission”) alleges that Defendant, The Goodyear Tire & Rubber Company d/b/a Goodyear Wholesale Tire Center (“Defendant”), discriminated against Jule Benson by subjecting him to a racially hostile work environment because of his race, African American.

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e–5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of North Carolina.

### PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been an Ohio corporation doing business in the State of North Carolina and the City of Charlotte, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jule Benson filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least March 2004 until around December 2004, Defendant engaged in unlawful employment practices at its facility located on Woodpark Road in Charlotte, North Carolina in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant subjected Jule Benson to discrimination based on his race, African American, by subjecting him to severe or pervasive racial comments that created a racially hostile work environment. The racial comments included name calling, such as "nigger," "nigga," and "go to

nigger” or “GTN,” all of which were unwelcome to Mr. Benson. The harassment was perpetrated by one or more of Mr. Benson’s co-workers. Although Mr. Benson complained to Defendant about the racial harassment and Defendant otherwise knew or reasonably should have known about it, Defendant failed to take prompt or effective action to stop it.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Jule Benson of equal employment opportunities and otherwise adversely affect his status as an employee because of his race, African American.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Jule Benson.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from maintaining a racially hostile work environment or from any other employment practice that discriminates on the basis of race, and from retaliating against employees who oppose unlawful discrimination, make a charge of unlawful discrimination, or participate in an investigation of unlawful discrimination.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for African Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Jule Benson by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including medical expenses, in amounts to be determined at trial.

D. Order Defendant to make whole Jule Benson by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

E. Order Defendant to pay Jule Benson punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this the 8<sup>th</sup> day of February, 2007

Respectfully submitted,

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